

**REMARKS**

Reconsideration and allowance of the above-identified application, as currently amended, is respectfully requested.

Applicants note with appreciation the indication that claims 1-6 and 10-17 are allowable and, moreover, that dependent claims 8 and 9 are directed to allowable subject matter and that these claims would also be formally allowed upon being re-presented in an appropriate self-contained format. (Page 3, section 3 of the detailed action.) Accordingly, Applicants have decided, at this time, to cancel rejected independent claim 7 and to re-present the base intervening claim 8 as an independent claim, incorporating the contents of original claim 7 thereby to render the currently amended claim 8 as well as claim 9 (dependent on claim 8) allowable.

With the canceling of claim 7, the previously newly formulated rejection under 35 U.S.C. 102(b) has been rendered moot. Applicants submit, however, agreeing to the canceling of claim 7 should not be construed as acquiescence with regard to the merits of the rejection directed thereto. In this regard, it is noted that there are no further issues outstanding.

Incidentally, in consideration of a further review of the previously pending claims, Applicants, through their undersigned representative, have effected a number of formal revisions in the claims that are, basically, of an editorially clarifying nature. With regard to this, the expression "an insulating film... formed in the Si semiconductor substrate" was editorially revised to the expression "an insulating film... formed on the Si semiconductor substrate" in each of claims 1, 2, 11 and 12. This revision, it is noted, is consistent with similar such expressions contained in previously pending claim 7 (the subject matter of which is now contained in amended

claim 8) and is also consistent with like expressions in allowable claims 13 and 14. It is submitted, this change is strictly to be considered as a grammatically clarifying revision, consistent with the originally disclosed subject matter. That is this revision is not being made with an intent to change the substantive nature of the subject matter being covered. Additionally, the expression "a source region and a drain region interposing the gate electrode therebetween" is being revised to the expression a source electrode and a drain electrode interposing the gate electrode therebetween." This change is also of an editorially clarifying nature. As can be seen from the example embodiments, while the source and drain regions are on opposing sides of a channel region, the gate electrode which is formed on the second single crystal layer and, therefore, is above the channel region, is also sandwiched (or interposed) between the source and drain electrodes. With regard to the example embodiment shown in Fig. 13 of the drawings, although not limited thereto, it is noted that the gate electrode 85 is interposed between the source electrode 86 and the drain electrode 87. In fact, it is stated on page 58, lines 7-9 thereof, of the Specification that "a source electrode 86 and drain electrode 87 are formed on both sides of the gate electrode 85 so as to sandwich the same." Therefore, it is apparent that the revision to this expression in original claim 7, which is now contained in allowable claim 8, is also of an editorial clarifying nature, clearly not intended to alter the intended scope being covered. Therefore, reaffirmation of the allowability of these claims for the same and similar reasons as that which has resulted in the earlier indication of allowability thereof, is respectfully requested.

Therefore, in view of the above-made amendments and responsive remarks, favorable consideration of the pending claims, i.e., claims 1-6 and 8-17, as currently

amended, and an early formal notification of allowability of the above-identified application is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (Docket No. 520.43558X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

**ANTONELLI, TERRY, STOUT & KRAUS, LLP**

  
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